

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Georgia

TRANSFER OF RESOURCES

1902(f) and 1917 of
the Act

The agency provides for the denial of eligibility by reason of disposal of resources for less than fair market value.

1917 of the Act

For assets transferred after August 10, 1993, the agency complies with the provisions of Section 1917 of the Act with respect to the transfer of assets after August 10, 1993, and treatment of certain trusts established after August 10, 1993 as provided by OBRA'93.

A. Except as noted below, the criteria for determining the period of ineligibility are the same as criteria specified in Section 1613(c) of the Social Security Act (Act) for resources transferred prior to August 10, 1993.

1. Transfer of resources other than the home of an individual who is an inpatient in a medical institution.

a. X The agency uses a procedure which provides for a total period of ineligibility greater than 24 months for individuals who have transferred resources for less than fair market value when the uncompensated value of disposed of resources exceeds \$12,000. This period bears a reasonable relationship to the uncompensated value of the transfer. The computation of the period and the reasonable relationship of this period to the uncompensated value is described as follows:

1. The amount of uncompensated value is first reduced by an amount equal to the difference between the individual's (or couple's) countable resources and the applicable resource limit; the next \$12,000 is deducted for 24 months of ineligibility; and

2. The remaining amount of uncompensated value is then ratably reduced by the average monthly SNF payment amount to determine the number of months of ineligibility exceeding 24 months.

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- b. ☒ The period of ineligibility is less than 24 months, as specified below:
- 1) The amount of uncompensated value is first reduced by an amount equal to the difference between the individual's (or couple's) countable resources and the applicable resource limit; and
 2. The remaining amount of uncompensated value is then ratably reduced by a monthly penalty amount of \$500.00 to determine the number of months of ineligibility.
- c. ☐ The agency has provisions for waiver of denial of eligibility in any instance where the State determines that a denial would work an undue hardship.

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Prior to July 1, 1988:

2. Transfer of the home of an individual who is an inpatient in a medical institution.

/X/ A period of ineligibility applies to inpatients in an SNF, ICF or other medical institution as permitted under section 1917(c)(2)(B)(i).

- a. Subject to the exceptions on page 2 of this supplement, an individual is ineligible for 24 months after the date on which he disposed of the home. However, if the uncompensated value of the home is less than the average amount payable under this plan for 24 months of care in an SNF, the period of ineligibility is a shorter time, bearing a reasonable relationship (based on the average amount payable under this plan as medical assistance for care in an SNF) to the uncompensated value of the home as follows:
 - 1) The amount of uncompensated value is first reduced by an amount equal to the difference between the individual's (or couple's) countable resources and the applicable resource limit; and
 - 2) The remaining amount of uncompensated value is then ratably reduced by the average monthly SNF payment amount to determine the number of months of ineligibility.

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- b. Subject to the exceptions on page 2 of this supplement, if the uncompensated value of the home is more than the average amount payable under this plan as medical assistance for 24 months after the date on which he disposed of the home. The period of ineligibility bears a reasonable relationship (based upon the average amount payable under this plan as medical assistance for care in an SNF) to the uncompensated value of the home as follows:
- 1) The amount of uncompensated value is first reduced by an amount equal to the difference between the individual's (or couple's) countable resources and the applicable resource limit; the next \$12,000 is deducted for the first 24 months of ineligibility; and
 - 2) The remaining amount of uncompensated value is then ratably reduced by the average monthly SNF payment amount to determine the number of months of ineligibility exceeding 24 months.
3. (1634 STATE) Effective July 1, 1988 any resources transferred on or after that date result in a total period of ineligibility for payment of nursing home and home and community based services only which cannot exceed 30 months and which is determined as follows:
- a. The amount of the uncompensated value is first reduced by an amount equal to the difference between the individual's (or couple's) countable resources and the applicable resource limit; and

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- b) The uncompensated value of the resources so transferred, divided by the average cost, to a private patient at the time of application, of nursing facility services in the State or, at State's option, in the community in which the individual is institutionalized.

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STATE GEORGIA

No individual is ineligible by reason of item
A.2 or A.3 (1634 STATE) if

- i. A satisfactory showing is made to the agency (in accordance with any regulations of the Secretary of Health and Human Services) that the individual can reasonably be expected to be discharged from the medical institution and to return to that home; or

Section 1917(c)(2) of the Act ii. any of the following conditions apply to the transferred item(s):

- (A) the resources transferred were a home and title to the home was transferred to --

- (i) the spouse of such individual;

- (ii) a child of such individual who (I) is under age 21, or (II) (with respect to States eligible to participate in the State program established under title XVI) is blind or permanently and totally disabled, or (with respect to States which are not eligible to participate in such program) is blind or disabled as defined in section 1614;

- (iii) a sibling of such individual who has an equity interest in such home and who was residing in such individual's home for a period of at least one year immediately before the date the individual becomes an institutionalized individual, or

- (iv) a son or daughter of such individual (other than a child described in clause (ii)) who was residing in such individual's home for a period of at least to years immediately before the date the individual becomes an institutionalized individual, and who (as determined by the State) provided care to such individual which permitted such individual to reside at home rather than in such an institution or facility;

- (B) the resources were transferred (i) to or from (or to another for the sole benefit of) the individual's spouse, or as defined in section 1924(h)(2), (ii) to the individual's child described in subparagraph (A)(ii)(II);

- (C) a satisfactory showing is made to the State (in accordance with regulations promulgated by the Secretary) that (i) the individual intended to dispose of the resources either at fair market value, or for other than to qualify for medical assistance; or

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- (D) the State determines that denial of eligibility would work an undue hardship.
- (i) Prior to July 1, 1988, the agency determines that denial of eligibility would work an undue hardship; and
- (ii) Effective July 1, 1988, the agency determines that denial of payment for long-term care would work an undue hardship.

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3. 1902(f) States

/ Under the provisions of section 1902(f) of the Social Security Act, the following transfer of resource criteria more restrictive than those established under section 1917(c) of the Act, apply:

B. Other than those procedures specified elsewhere in the supplement, the procedures for implementing denial of eligibility by reason of disposal of resources for less than fair market value are as follows:

1. If the uncompensated value of the transfer is \$12,000 or less:

2. If the uncompensated value of the transfer is more than \$12,000:

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3. If the agency sets a period of ineligibility of less than 24 months and applies it to all transfers of resources (regardless of uncompensated value):

4. Other procedures:

- a) Individuals, who applied for and/or became eligible for Medicaid from 3/1/81 through 6/30/84 and have continuously received since that time and who transfer assets for uncompensated value, are ineligible for a period of 24 months or for a shorter period of ineligibility determined by ratably reducing the uncompensated value by a penalty amount of \$500.00 per month; and
- b) There is no penalty applied for transfer of homeplace property for uncompensated value.

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